

IFW

PATENT

Case Docket No. OPTIS.086A

Date: September 14, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Unknown
Appl. No. : 10/824,946
Filed : April 15, 2004
For : ANALYTE DETECTION
SYSTEM
Examiner : Unknown
Group Art Unit : 1645

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 14, 2004

(Date)

Mark J. Kertz

Mark J. Kertz, Reg. No. 43,711

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

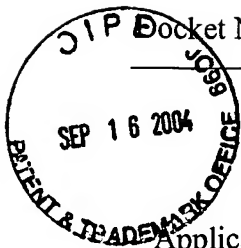
Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) An Information Disclosure Statement.
- (X) A PTO Form 1449 with 74 references (25 of which are enclosed).
- (X) Return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Mark J. Kertz
Mark J. Kertz
Registration No. 43,711
Attorney of Record
Customer No. 20,995
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**INFORMATION DISCLOSURE STATEMENT**

Applicant : Unknown
App. No. : 10/824,946
Filed : April 15, 2004
For : ANALYTE DETECTION SYSTEM
Examiner : Unknown
Group Art Unit : 1645

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing 74 references. Copies of disclosed U.S. patents and/or publications are not included pursuant to PTO waiver of the requirement under 37 C.F.R. § 1.98(a)(2)(i) for applications filed after June 30, 2003. Copies of other references, if listed, are enclosed.

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

**RELATED COPENDING APPLICATIONS (COMMONLY OWNED WITH THE
PRESENT APPLICATION)**

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>	<u>Inventors</u>	<u>Attorney Docket No.</u>
10/268,599	10/09/02	Method and Apparatus for Improving Clinical Accuracy of Analyte Measurements	Braig, et al.	OPTIS.019A
10/319,409	12/12/02	Pathlength-Independent Methods for Optically Determining Material Composition	Sterling, et al.	OPTIS.060A

Appl. No. : 10/824,946
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Docket No. OPTIS.086A
Customer No. 20,995

10/366,540	02/12/03	Method of Determining an Analyte Concentration in a Sample from an Absorption Spectrum	Sterling, et al.	OPTIS.060CP1
10/825,085	04/15/04	Method of Determining Analyte Concentration in a Sample Using Infrared Transmission Data	Sterling, et al.	OPTIS.107A
10/055,875	01/21/02	Reagent-Less Whole-Blood Glucose Meter	Sterling, et al.	OPTIS.039A
10/200,384	07/19/02	Reagent-Less Whole-Blood Glucose Meter	Sterling, et al.	OPTIS.039C1
10/877,965	06/25/04	Sample Element for Use in Material Analysis	Unknown	OPTIS.089CP1
10/219,625	08/14/02	Device and Method For In Vitro Determination of Analyte Concentrations Within Body Fluids	Braig, et al.	OPTIS.039CP1
10/219,627	08/14/02	Device and Method For In Vitro Determination of Analyte Concentrations Within Body Fluids	Braig, et al.	OPTIS.039CP2

Regarding Serial No. 10/319,409, its specification and currently-pending claims are set forth in publication no. 2003/0178569, listed in the attached form PTO-1449.

Regarding Serial No. 10/200,384, its specification and currently-pending claims are set forth in publication no. 2003/0086073, listed in the attached form PTO-1449.

Regarding Serial No. 10/219,625, its specification and currently-pending claims are set forth in publication no. 2003/0086074, listed in the attached form PTO-1449.

Regarding Serial No. 10/219,627, its specification and currently-pending claims are set forth in publication no. 2003/0086075, listed in the attached form PTO-1449.

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Docket No. OPTIS.086A
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Regarding Serial No. 10/366,540, its specification is set forth in publication no. 2004/0019431, listed in the attached form PTO-1449. A copy of the currently-pending claims of Serial No.10/366,540 is enclosed herewith.

Regarding Serial No. 10/055,875, its specification is set forth in publication no. 2003/0090649, listed in the attached form PTO-1449. A copy of the currently-pending claims of Serial No.10/055,875 is enclosed herewith.

Regarding Serial No. 10/200,384, its specification is set forth in publication no. 2003/0086073, listed in the attached form PTO-1449. A copy of the currently-pending claims of Serial No.10/200,384 is enclosed herewith.

Regarding Serial No. 10/219,625, its specification is set forth in publication no. 2003/0086074, listed in the attached form PTO-1449. A copy of the currently-pending claims of Serial No.10/219,625 is enclosed herewith.

Regarding Serial No. 10/219,627, its specification is set forth in publication no. 2003/0086075, listed in the attached form PTO-1449. A copy of the currently-pending claims of Serial No.10/219,627 is enclosed herewith.

Regarding Serial No. 10/268,599, a copy of its specification and drawings and currently-pending claims is enclosed herewith.

Regarding Serial No. 10/825,085, a copy of its specification and drawings and currently-pending claims is enclosed herewith.

Regarding Serial No. 10/877,965, a copy of its specification and drawings and currently-pending claims is enclosed herewith.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Sep. 14, 2007

By: Mark Kertz
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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
OPTIS.086AAPPLICATION NO.
10/824,946INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT
UnknownFILING DATE
April 15, 2004GROUP
1645

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	1	4,088,448	5/9/78	Lilja et al.			
	2	3,751,173	8/7/73	Sanz et al.			
	3	4,405,235	9/20/83	Rossiter			
	4	4,477,190	10/16/84	Liston et al.			
	5	4,696,798	9/29/87	Timgren			
	6	4,569,589	2/11/86	Neufeld			
	7	4,790,640	12/13/88	Nason			
	8	4,761,381	8/2/88	Blatt et al.			
	9	4,948,961	8/14/90	Hillman et al.			
	10	5,061,632	10/29/91	Shepherd et al.			
	11	5,064,282	11/12/91	Curtis			
	12	5,179,005	1/12/93	Phillips et al.			
	13	5,223,219	6/29/93	Subramanian et al.			
	14	5,371,020	12/6/94	Frischauf			
	15	5,430,542	7/4/95	Shepherd			
	16	5,452,716	9/26/95	Clift			
	17	5,567,869	10/22/96	Hauch et al.			
	18	5,627,041	5/6/97	Shartle			
	19	5,801,057	9/1/98	Smart et al.			
	20	5,815,258	9/29/98	Nakanishi			
	21	5,900,632	5/4/99	Sterling et al.			
	22	5,933,792	8/3/99	Andersen et al.			
	23	5,977,545	11/2/99	Haar et al.			
	24	6,049,762	4/11/00	Ganz et al.			
	25	6,072,180	6/6/00	Kramer et al.			
	26	6,083,710	6/4/00	Heller et al.			
	27	6,087,182	7/11/00	Jeng et al.			
	28	6,115,673	9/5/00	Malin et al.			

EXAMINER

DATE CONSIDERED

*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. OPTIS.086A	APPLICATION NO. 10/824,946
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)		APPLICANT Unknown	
		FILING DATE April 15, 2004	GROUP 1645

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	29	6,119,026	9/12/00	McNulty et al.			
	30	6,120,676	9/19/00	Heller et al.			
	31	6,180,416	1/30/01	Kurnik et al.			
	32	6,198,949	3/6/01	Braig et al.			
	33	6,207,400	3/27/01	Kwon			
	34	6,285,448	9/4/01	Kuenstner			
	35	6,312,888	11/6/01	Wong et al.			
	36	2002/0026110	2/28/02	Parris et al.			
	37	2002/0019022	2/14/02	Dunn et al.			
	38	2003/0031597	2/13/03	Sota et al.			
	39	2003/0090649	5/15/03	Sterling et al.			
	40	2003/0178569	9/25/03	Sterling et al.			12/12/02
	41	2004/0019431	1/29/04	Sterling et al.			02/12/03
	42	2003/0090649	5/15/03	Sterling et al.			01/21/02
	43	2003/0086073	5/8/03	Sterling et al.			07/19/02
	44	2003/0086074	5/8/03	Braig et al.			08/14/02
	45	2003/0086075	5/8/03	Braig et al.			08/14/02

FOREIGN PATENT DOCUMENTS									
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION		
							YES	NO	
	46	EP 0 982 582 A1	March 1, 2000	Europe					
	47	WO 01/53806 A1	July 26, 2001	PCT					
	48	WO 03/01682 A1	February 27, 2003	PCT					
	49	WO 99/40411	August 12, 1999	PCT					
	50	WO 97/25608	July 17, 1997	PCT					

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
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		FILING DATE April 15, 2004	GROUP 1645

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
	51 Norris et al., "Rapid measurement of analytes in whole blood with NIR transmittance," <u>Leaping Ahead with New Infrared Spectroscopy</u> (Batten et al., eds.) pp. 431-436, (1995).
	52 Kajiwarra et al., "Spectroscopic quantitative analysis of blood glucose by Fourier transform infrared spectroscopy with an attenuated total reflection prism," <u>Medical Progress Through Technology</u> vol. 128, no. 3, pp. 181-189.
	53 Janatsch et al., "Multivariate Calibration for Assays in Clinical Chemistry Using Attenuated Total Reflection Infrared Spectra of Human Blood Plasma," <u>Analytical Chemistry</u> vol. 61, no. 18, pp. 2016-2023.
	54 Lewis et al., "Investigation of Near-Infrared Spectroscopy for Periodic Determination of Glucose in Cell Culture Media In Situ," <u>Applied Spectroscopy</u> , vol. 54, no. 10, pp. 1453-1457 (2000).
	55 McShane et al., "Near-Infrared Spectroscopy for Determination of Glucose, Lactate, and Ammonia in Cell Culture Media," <u>Applied Spectroscopy</u> , vol. 52, no. 8, pp. 1073-1078 (1998).
	56 Mirouse et al., "Quantitative Analysis of Glucose Syrups by ATR/FT-IR Spectroscopy," <u>Applied Spectroscopy</u> , vol. 47, no. 8, pp. 1187-1191 (1993).
	57 Zheng et al., "Noninvasive Glucose Determination by Oscillating Thermal Gradient Spectrometry," <u>Diabetes Technology & Therapeutics</u> , vol. 2, no. 1, pp. 17-25 (2000).
	58 Ward et al., "Post-Prandial Blood Glucose Determination by Quantitative Mid-Infrared Spectroscopy," <u>Applied Spectroscopy</u> , vol. 46, no. 6, pp. 959-965 (1992).
	59 Heise et al., "Multicomponent Assay for Blood Substrates in Human Plasma by Mid-Infrared Spectroscopy and its Evaluation for clinical Analysis," <u>Applied Spectroscopy</u> , vol. 48, no. 1, pp. 85-95 (1994).
	60 McNichols et al., "Optical Glucose Sensing in Biological Fluids: An Overview," <u>Journal of Biomedical Optics</u> , vol. 5, no. 1, pp.5-9 (January 2000).
	61 Petibois et al., "Glucose and Lactate Concentration Determination on single Microsamples by Fourier-Transform Infrared Spectroscopy," <u>Journal of Laboratory and Clinical Medicine</u> , vol. 135, no. 2, pp. 210-215 (February 2000).
	62 Shaw et al., "Infrared Spectroscopy in Clinical and Diagnostic Analysis," <u>Encyclopedia of Analytical Chemistry</u> (Meyers, ed.) (date unknown).
	63 Sim, B; Tong, Y; Chang, J; Tan, C; "A Parametric Formulation of the Generalized Spectral Subtraction Method," <u>IEEE Transactions on Speech and Audio Processing</u> ; vol. 6, no. 4; June 1998; pp. 328-337.
	64 Percherancier, J; Vuarchex, P; "Fourier Transform Infrared (FT-IR) Spectrometry to Detect Additives and Contaminants in Insulating Oils," <u>IEEE Electrical Insulation Magazine</u> ; vol. 14, no. 3; May-June 1998; pp. 23-29.
	65 Ham, F; Kostanic, I; Cohen, G; Gooch, B; "Determination of Glucose Concentrations in an Aqueous Matrix from NIR Spectra Using Optimal Time-Domain Filtering and Partial Least-Squares Regression," <u>IEEE Trans. Biomed. Eng.</u> ; vol 44, no. 6; June 1998; pp. 475-485.

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
	66 USPTO Serial No. 10/319,409; Sterling, et al.; Filing Date 12/12/02
	67 USPTO Serial No. 10/366,540; Sterling, et al.; Filing Date 02/12/03
	68 USPTO Serial No. 10/055,875; Sterling, et al.; Filing Date 01/21/02
	69 USPTO Serial No. 10/200,384; Sterling, et al.; Filing Date 07/19/02
	70 USPTO Serial No. 10/219,625; Braig, et al.; Filing Date 08/14/02
	71 USPTO Serial No. 10/219,627; Braig, et al.; Filing Date 08/14/02

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. OPTIS.086A	APPLICATION NO. 10/824,946
	APPLICANT Unknown	
	FILING DATE April 15, 2004	GROUP 1645

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
	72	USPTO Serial No. 10/268,599; Braig, et al.; Filing Date 10/09/02
	73	USPTO Serial No. 10/825,085; Sterling, et al.; Filing Date 04/15/04
	74	USPTO Serial No. 10/877,965; Unknown; Filing Date 06/25/04

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